

1972 Bill 93

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First Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 93**

**The Wilderness Areas Amendment Act, 1972**

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THE MINISTER OF LANDS AND FORESTS

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First Reading *May 29, 1972*

Second Reading *October 26, 1972*

Third Reading *November 22, 1972*

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# BILL 93

1972

## THE WILDERNESS AREAS AMENDMENT ACT, 1972

*(Assented to November 22, 1972)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

*1. The Wilderness Areas Act is hereby amended.*

*2. The preamble is amended by striking out the recital which reads:*

“WHEREAS it is desirable that each wilderness area should not exceed 144 square miles unless topographical considerations make a larger area desirable”.

*3. Section 1 is amended*

*(a) by adding the following clause after clause (a):*

*(a1) “controlled buffer zone” means an area of land designated as a controlled buffer zone by the regulations;*

*(b) by striking out clause (d),*

*(c) by striking out clause (f) and by substituting the following clause:*

*(f) “wilderness area” means an area of land specified in the Schedule as a wilderness area.*

*4. Section 2, subsection (7) is amended by striking out clause (d) and by substituting the following clause:*

*(d) regulations for the management, operation and utilization of wilderness areas and controlled buffer zones.*

*5. Section 3 is struck out and the following section is substituted:*

**3.** The areas of land described in the Schedule to this Act are established as wilderness areas.

## Explanatory Notes

1. This Bill will amend chapter 114 of the Statutes of Alberta, 1971.

2. The Preamble is amended.

3. Section 1, clauses (d) and (f) presently read:

1. In this Act,

.....  
(d) "provisional wilderness area" means a provisional wilderness area referred to in section 3, subsection (1);

(f) "wilderness area" means an area of land that is hereafter established by the Legislature as a wilderness area under this Act.

4. Section 2, subsection (7), clause (d) presently reads:

(7) The Advisory Committee shall accept requests from the public regarding wilderness areas and shall from time to time consider the requests and make recommendations to the Minister regarding

.....  
(d) regulations for the administration and management of wilderness areas.

5. Section 3 presently reads:

3. (1) The areas referred to in the Schedule to this Act are hereby established as provisional wilderness areas.

(2) The Advisory Committee shall during 1971 examine and conduct a study into each of the provisional wilderness areas and shall submit a report to the Lieutenant Governor in Council not later than October 31, 1971 recommending, in the case of each provisional wilderness area, which portion of it would be most suitable for establishment as a wilderness area.

(3) In a report by the Advisory Committee under subsection (2), the land recommended for establishment as a wilderness area shall not exceed 144 square miles in size, unless in its opinion, topographical considerations make a larger area desirable.

(4) The Government shall consider the report of the Advisory Committee with a view to introducing a Bill at the first session of the Assembly in 1972 for the amendment of this Act

(a) for the establishment of all or a portion of each of the provisional wilderness areas as wilderness areas, and

(b) for the removal of provisions and references in this Act relating to provisional wilderness areas.

6. Section 4 is amended as to clause (a) by striking out the words "or the report of the Advisory Committee under section 3, subsection (2)".

7. Section 5 is amended by striking out clause (a) and by substituting the following clause:

- (a) for the management and preservation of the animal and plant life and the environment of the wilderness area,

8. Section 7 is amended

- (a) as to subsections (1) and (2) and subsection (3), clause (a) by striking out the words "provisional wilderness area or a",
- (b) by striking out subsection (4).

9. Section 8, subsection (1) is amended by adding the word "or" at the end of clause (f) and by adding the following clause after clause (f):

- (g) take into or use in a wilderness area a horse or pack animal or any motorized vehicle.

10. Section 11, subsection (1) is amended by striking out the words "provisional wilderness area or a".

11. The following section is added after section 11:

**11.1** (1) The Lieutenant Governor in Council may, by regulation, designate any area of land adjoining a wilderness area as a controlled buffer zone.

(2) Upon an area of land being designated as a controlled buffer zone

- (a) the <sup>Surface Rights</sup> ~~Board of Arbitration~~ established under ~~The Surface Rights Right of Entry Arbitration Act~~ shall not make any order under that Act granting right of entry, use or taking of the surface of any land in a controlled buffer zone for the purpose of strip mining or quarrying,
- (b) the Minister shall not issue or renew a lease under *The Public Lands Act* which would permit the use of the surface of any land in a controlled buffer zone for the purpose of strip mining or quarrying, and
- (c) no person shall cause, allow or undertake any strip mining or quarrying in the controlled buffer zone.

(3) Upon an area of land being designated as a controlled buffer zone

**6. Section 4, clause (a) presently reads:**

4. The Environment Conservation Authority when requested by the Lieutenant Governor in Council shall hold public hearings for the purpose of receiving and hearing submissions and representations respecting

- (a) any recommendations made by the Advisory Committee under section 2, subsection (7) or the report of the Advisory Committee under section 3, subsection (2), or

**7. Section 5, clause (a) presently reads:**

5. The Minister may carry out or cause to be carried out measures or programs in a wilderness area, or approve the carrying out by other persons of measures or programs in a wilderness area,

- (a) for the preservation of the environment of the wilderness area,

**8. Section 7 presently reads:**

7. (1) No disposition shall be made by or on behalf of the Crown of any estate or interest in land in a provisional wilderness area or a wilderness area pursuant to The Public Lands Act, The Forests Act, The Mines and Minerals Act or any other Act.

(2) No Minister of the Crown or government agency, or other person authorized by an Act to do so, shall grant any permission, whether termed as approval, consent, permit, licence, certificate, order or otherwise, which would in the absence of this subsection empower the person to whom it is granted to expropriate or acquire any estate or interest in land in a provisional wilderness area or a wilderness area.

(3) No Minister of the Crown, government agency or other person on behalf of the Crown shall

- (a) construct, maintain, repair or operate any public work, road, railway, aircraft landing strip, helicopter base, structure or installation in a provisional wilderness area or a wilderness area, or

- (b) expend or authorize expenditure of any moneys for any of those purposes.

(4) No person shall, within a provisional wilderness area, construct an improvement, or reconstruct or add to an improvement on any land, or do any act that will alter or disturb the surface of land, without the consent of the Minister.

**9. Section 8 presently reads:**

8. (1) No person shall

- (a) travel in a wilderness area except on foot, or

- (b) hunt or trap animals in a wilderness area, or

- (c) fish in a wilderness area, or

- (d) land an aircraft in a wilderness area, or

- (e) deposit any litter, garbage or refuse in a wilderness area except in places provided and designated for that purpose, or

- (f) unless authorized by the Lieutenant Governor in Council, remove any plant life or animal life (or bird eggs) or excavate or remove fossils or other objects of geological, ethnological, historical or scientific interest in a wilderness area.

(2) A person who contravenes subsection (1) is guilty of an offence.

**10. Section 11, subsection (1) presently reads:**

11. (1) The Minister may by order prohibit or restrict travel in a provisional wilderness area or a wilderness area during any period either absolutely or except under the authority of a permit issued by or on behalf of the Minister.

**11. Certain operations will be prohibited in controlled buffer zones.**

- (a) the Director of Water Resources shall not issue a licence, interim licence or permit under *The Water Resources Act* for any diversion, undertaking or works, and
- (b) no person shall cause or allow or undertake any diversion, undertaking or works in the controlled buffer zone.
- (4) In this section “licence”, “diversion”, “undertaking” and “works” have the same meaning that they have in *The Water Resources Act*.
- (5) Any person who contravenes subsection (2), clause (c) or subsection (3), clause (b) is guilty of an offence.

*12. Section 12 is amended by adding after the word “Act” the words “or the regulations”.*

*13. Section 13 is struck out and the following section is substituted:*

**13.** The Lieutenant Governor in Council may make regulations for the management, operation and utilization of wilderness areas and controlled buffer zones. . . . .

*14. The Schedule is struck out and the following is substituted:*

**12. Section 12 presently reads:**

12. Any person who is guilty of an offence under this Act is liable on summary conviction

- (a) for the first offence, to a fine of not less than \$50 and not more than \$1,000 and in default of payment to imprisonment for a term of not more than 60 days,
- (b) for a second offence, to a fine of not less than \$100 and not more than \$5,000 and in default of payment to imprisonment for a term of not more than 120 days, and
- (c) for a third or subsequent offence
  - (i) in the case of a natural person, to imprisonment for a term of not less than one month and not more than six months, or
  - (ii) in the case of a corporation, to a fine of not less than \$10,000 and not more than \$50,000.

**13. Section 13 presently reads:**

13. The Lieutenant Governor in Council may make regulations for the management, operation and utilization of provisional wilderness areas and wilderness areas.

SCHEDULE  
WILDERNESS AREAS  
GHOST RIVER WILDERNESS AREA

All those parcels or tracts of land, situate, lying, and being in the Province of Alberta, Canada, and being composed of

All those portions of what would be if surveyed under the system of surveys under *The Surveys Act*, townships twenty-seven (27) and twenty-eight (28), ranges ten (10) and eleven (11), west of the fifth (5) meridian, which are shown outlined in red upon a plan of Ghost River Wilderness area of record in the Department of Lands and Forests at Edmonton as Number 1431 Temporary.

The lands herein described containing fifty-nine and fourteen hundredths (59.14) square miles, more or less.

SIFFLEUR WILDERNESS AREA

All those parcels or tracts of land, situate, lying, and being in unsurveyed territory in the Province of Alberta, Canada, and being composed of:

All those portions of unsurveyed townships thirty-three (33) to thirty-five (35) inclusive, range sixteen (16), townships thirty-two (32) to thirty-five (35) inclusive, range seventeen (17) and townships thirty-three (33) and thirty-four (34), ranges eighteen (18) and nineteen (19), all west of the fifth (5) meridian, as shown outlined in red upon a map or plan of the said portions of record in the Department of Lands and Forests at Edmonton as No. 1370 Temporary.

The lands herein described containing one hundred and fifty-nine and thirteen hundredths (159.13) square miles, more or less.

WHITE GOAT WILDERNESS AREA

All that parcel or tract of land, situate, lying, and being in the Province of Alberta, Canada, and being more particularly described as follows:

Commencing at a point on the east boundary of Banff National Park, distant three hundred (300) yards northwesterly measured along the said boundary from its intersection with the Norman Creek-Pinto Lake Trail in unsurveyed township thirty-six (36), range twenty-one (21), west of the fifth (5) meridian; thence in a northeasterly direction parallel to the said trail to a point on the left bank of the Cline River,



**14. The Schedule presently reads:**

**SCHEDULE**

**PROVISIONAL WILDERNESS AREAS**

1. The Siffleur Wilderness, as described in the Schedule to Alberta Regulation 554/65.
2. The White Goat Wilderness, as described in the Schedule to Alberta Regulation 554/65.
3. Ghost River Wilderness Area, as described in Alberta Regulation 182/67.

which point is approximately four hundred (400) yards downstream from where the said trail first crosses the Cline River; thence downstream following the sinuosities of the said bank to a point on the said bank opposite the mouth of a small unnamed creek; which point is approximately one (1) mile upstream from the confluence of the said Cline River with Coral Creek in unsurveyed township thirty-seven (37), range eighteen (18), west of the fifth (5) meridian; thence northwesterly following the height of land forming the west boundary of the watershed of Coral Creek and continuing along the height of land forming the easterly and northerly boundary of the watershed of McDonald Creek to Mount McDonald in unsurveyed township thirty-nine (39), range twenty-one (21), west of the fifth (5) meridian; thence southerly approximately one (1) mile to an unnamed peak; thence westerly down the slope of this latter peak to the source of the easterly fork of an unnamed creek; thence westerly and northerly following the unnamed creek to its intersection with the east boundary of Jasper National Park in unsurveyed township thirty-nine (39), range twenty-one (21), west of the fifth (5) meridian; thence southerly, southwesterly and southeasterly following the east boundary of Jasper and Banff National Parks to the point of commencement.

The lands herein described containing one hundred and seventy-one and sixty-five hundredths (171.65) square miles, more or less.

*15. This Act comes into force on January 1, 1973.*

